

ASSEMBLY BILL

No. 821

Introduced by Assembly Member Brownley

February 26, 2009

An act to add Article 5 (commencing with Section 17615) to Chapter 5 of Part 10.5 of Division 1 of Title 1 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 821, as introduced, Brownley. School facilities: maintenance.

(1) Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils.

This bill would create the Clean and Healthy Schools Act, and would make findings and declarations regarding indoor air quality and cleaning products. The bill would require, when it is economically feasible, but not later than the 2010–11 school year, all school districts and all nonpublic elementary and secondary schools with 50 or more pupils to purchase and use exclusively environmentally preferable cleaning and maintenance products, as specified. The bill would require a school district or school to provide written notification that it will not purchase and use environmentally preferable cleaning and maintenance products to the State Department of Education, annually, if it determines that it is not economically feasible to purchase and use those products, until it is feasible to do so. The bill also would require the Department of General Services and the State Department of Education to post on their Internet Web sites information to assist school districts and schools to comply with these provisions. Because this bill would require school districts to perform new duties, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 17615) is added to Chapter 5 of Part 10.5 of Division 1 of Title 1 of the Education Code, to read:

Article 5. Clean and Healthy Schools Act

17615. This article may be cited as the Clean and Healthy Schools Act.

17615.1. The Legislature finds and declares all of the following:

(a) Children are vulnerable to, and may be severely affected by, exposure to chemicals, hazardous waste, and other environmental hazards. The Federal Environmental Protection Agency estimates that human exposure to indoor air pollutants can be two to five times and up to 100 times higher than outdoor levels, and that half of schools in the United States have poor indoor air quality. The California Air Resources Board has found significant indoor air quality problems in California's portable and traditional classrooms.

(b) Pupils, teachers, janitors, and other staff members spend a significant amount of time inside school buildings, during which time they are exposed to cleaners and maintenance products. Cleaners and maintenance products contain known carcinogens, reproductive toxins, chemicals that cause asthma, and other hazardous ingredients.

(c) Asthma is the primary cause of school absences due to chronic disease in the United States, and is the leading cause of hospitalization for children under 15 years of age in California.

1 (d) Section 12400 of the Public Contract Code defines
2 “environmentally preferable purchasing” as the procurement or
3 acquisition of goods and services that have a lesser or reduced
4 effect on human health and the environment when compared with
5 competing goods or services that serve the same purpose.

6 (e) The benefits of cleaner indoor air in schools have been shown
7 to reduce the incidence of asthma, allergies, and absenteeism in
8 pupils, as well as increase teacher retention rates and reduce worker
9 compensation claims. The use of environmentally preferable
10 cleaning and maintenance products contributes to cleaner indoor
11 air quality.

12 (f) Third-party, independent, voluntary certification programs
13 exist that set standards for, and evaluate, environmentally
14 preferable cleaning and maintenance products, including Green
15 Seal GS-37 and EcoLogo CCD-146. The current standards establish
16 environmental requirements for industrial and institutional
17 general-purpose, restroom, glass, and carpet cleaners, intended for
18 routine cleaning of offices, schools, and institutions, and include
19 consideration of vulnerable populations in institutional settings,
20 such as schools and day-care facilities. Products certified under
21 these standards cannot contain carcinogens, mutagens, reproductive
22 toxins, ingredients that cause asthma, ingredients that are corrosive
23 to skin and eyes, heavy metals, including lead, hexavalent
24 chromium, or selenium, either in elemental form or compounds,
25 2-butoxyethanol, alkylphenol ethoxylates, phthalates,
26 ozone-depleting chemicals, or optical brighteners. The standards
27 also establish specific limits on ingredients for acute toxicity, skin
28 absorption, volatile organic compound content, inhalation toxicity,
29 toxicity to aquatic life, bioaccumulating compounds,
30 biodegradability, eutrophication, combustibility, and fragrances.
31 The standards define requirements for concentrates, dispensing
32 systems, packaging, recycleability, labeling, and training. Standards
33 are revised periodically and may apply to additional categories of
34 products. The standards do not apply to cleaners for household
35 use, food preparation operations, or medical facilities, and do not
36 apply to air fresheners, enzymatic, or microbially active products
37 required to be registered under the federal Insecticide, Fungicide,
38 and Rodenticide Act, such as those making claims as sterilizers,
39 disinfectants, or sanitizers.

(g) Existing law establishes the public school system, imposes various safety requirements, and provides state funding to school districts that contribute to operating budgets that already include janitorial programs. Schools are encouraged to use the State of California Procurement Contract to purchase environmentally preferable cleaning and maintenance products to maximize the available discounts and avoid developing their own separate bids.

17615.2. As used in this article:

(a) “Economically feasible” means that there is no net increase in the cleaning costs of a school.

(b) “Environmentally preferable cleaning and maintenance product” means a product that meets independent, third-party certification criteria for lesser or reduced effects on human health and environment compared with competing goods or services that serve the same purpose.

(c) “Third-party certification” means certification by an established and legitimate, independent, nationally recognized program developed for the purpose of identifying environmentally preferable products, such as Green Seal or EcoLogo. Any third-party certification program shall meet all of the following criteria:

(1) Have an open, transparent process for setting standards that involves the public and key stakeholders.

(2) Clearly defines the fees a manufacturer must pay for certification.

(3) Clearly avoids conflicts of interest in the standard setting and product evaluation process.

(4) Have a criteria for certification that is available publically and is transparent.

(5) Bases certification of the product and its packaging on criteria for reducing effects on human health and safety, ecological toxicity, other environmental impacts, and resource conservation, including, at a minimum, consideration of chemicals that cause cancer, mutagenic and reproductive harm, organ and nervous system damage, asthma, smog, ozone depletion, aquatic toxicity, bioaccumulation, and eutrophication.

(6) Requires periodic revisions and updates of the standards.

(7) Monitors and reinforces the standards, provides for the authority to inspect the manufacturing facilities, and periodically does so.

1 (8) Have a registered, legally protected certification mark.

2 (9) Makes the standards easily accessible to purchasers and
3 manufacturers, for example, making them available on the
4 program's Internet Web site.

5 (10) If possible, is developed by consensus.

6 (11) Establishes leadership levels in standards for products.

7 (12) Provides a list of certified products that meet the standards.

8 (13) Requires that product manufacturers or distributors provide
9 training on the appropriate and safe use of their certified products.

10 17615.3. (a) When it is economically feasible, but not later
11 than the 2010–11 school year, all school districts, and all nonpublic
12 elementary and secondary schools with 50 or more pupils, shall
13 purchase and use exclusively environmentally preferable cleaning
14 and maintenance products if an environmentally preferable cleaning
15 and maintenance product exists.

16 (b) A school may deplete its existing cleaning and maintenance
17 supply stocks and implement the new requirements in the next
18 procurement cycle.

19 (c) If a school district or school determines that it is not
20 economically feasible to purchase and use environmentally
21 preferable cleaning and maintenance products, the school district
22 or school shall provide written notification that it will not purchase
23 and use environmentally preferable cleaning and maintenance
24 products to the State Department of Education annually, until it is
25 feasible to do so.

26 17615.4. The Department of General Services and the State
27 Department of Education shall post information on their Internet
28 Web sites to assist school districts and schools in complying with
29 Section 17615.3.

30 17615.5. This article sets minimum standards for cleaning
31 products used in schools. Nothing in these article shall prevent
32 local jurisdictions from adopting guidelines that are more stringent
33 than those defined in this article.

34 SEC. 2. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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